



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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12-303

Attorney Docket No. 043034/0167

Applicant: Hirokazu TAKATAM et al.

Title: LOAD DISTRIBUTION FAILURE RECOVERY SYSTEM AND METHOD

Serial No. 09/833,042

Filed: April 12, 2001

RECEIVED

DEC 19 2003

Examiner: Unknown

Technology Center 2100

Art Unit: 2152

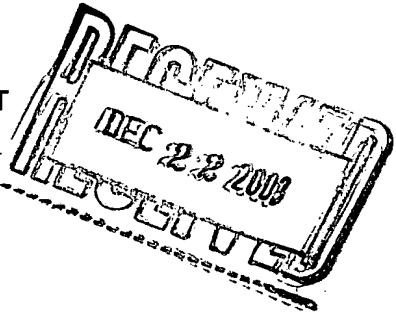
**INFORMATION DISCLOSURE STATEMENT
UNDER 37 CFR §1.56 and 37 CFR §1.97**

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

Submitted herewith on Form PTO-SB/08 is a listing of documents known to Applicants in order to comply with Applicants' duty of disclosure pursuant to 37 CFR 1.56. A copy of each listed document is being submitted to comply with the provisions of 37 CFR 1.97 and 1.98.

The submission of any document herewith, which is not a statutory bar, is not intended as an admission that such document constitutes prior art against the claims of the present application or that such document is considered material to patentability as defined in 37 CFR §1.56(b). Applicants do not waive any rights to take any action which would be appropriate to antedate or otherwise remove as a competent reference any document which is determined to be a prima facie prior art reference against the claims of the present application.



TIMING OF THE DISCLOSURE

The instant Information Disclosure Statement is believed to be filed in accordance with 37 C.F.R. 1.97(b), prior to the mailing date of a first Office Action on the merits (first scenario). If that is not the case, such as in a second scenario in which a first Office Action on the merits has been mailed before the filing of the instant Information Disclosure Statement, then either a certification or fee is required, and a certification is provided below. If neither of the first or second scenarios is the case, such as if a final Office Action or a notice of allowance has been mailed by the PTO (third scenario), then both a certification and fee are required, and in that case a certification is provided below and also the PTO is authorized to obtain the necessary fee to have the instant IDS considered, from Foley & Lardner Deposit Account #19-0741.

CERTIFICATION

The undersigned hereby certifies in accordance with 37 C.F.R. §1.97(e)(1) that items of information A5 – A9 listed on the Form PTO SB/08 submitted with this Information Disclosure Statement were first cited in a communication from a foreign patent office in a counterpart foreign application not more than three (3) months prior to the filing of this Statement. Items of information A1 – A4 are U.S. Patents that are counterparts to items of information A6, A8, A9 and A7, respectively.

RELEVANCE OF EACH DOCUMENT

A translation of a portion of a Japanese Office Action that issued November 11, 2003 with respect to a counterpart Japanese patent application is provided below.

1. Japanese Patent Application Publication 2998688 (cf. Claim 1)
2. Japanese Unexamined Patent Application Publication H08-051432 (cf. Claims 1 and 2, Paragraph 24)
3. Japanese Patent Application Publication 2723097 (cf. Claim 1, Paragraph 42)

(Remarks)

No particular difficulty is found in combining the techniques described in the aforementioned cited literature.

Record of Prior Art Literature Search Results

Fields searched

International Patent Classification 7th Edition (IPC 7): H04L
12/F-term data: 5K030 (wide area data exchange)

Prior Art Literature

Japanese Unexamined Patent Application Publication H10-065733

Japanese Patent Application Publication 2985940

This Record of Prior Art Literature Search Results does not constitute a reason for rejection."

Applicant's statements regarding the Japanese Office Action is based on a partial translation that Applicant's representative obtained. This statement should in no way be considered as an agreement by Applicant with, or an admission of, what is asserted in the Japanese Office Action.

Applicants respectfully request that the listed documents be considered by the Examiner and formally be made of record in the present application and that an initialed copy of Form PTO SB/08 be returned in accordance with MPEP §609.

Respectfully submitted,

Date

December 18, 2003

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Substitute for form 1449B/PTO		Complete if Known	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT			
Date Submitted: December 18, 2003		DEC 18 2003	
(use as many sheets as necessary)			
Sheet	1	of	1
		Attorney Docket Number	
		043034-0167	

U.S. PATENT DOCUMENTS

FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Foreign Patent Document			Name of Patentee or Applicant of Cited Documents	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Office ³	Number ⁴	Kind Code ⁵ (if known)				
	A5	JP	8-51432			02/20/1996		X
	A6	JP	2723097			11/28/1997		X
	A7	JP	10-65733			03/06/1998		X
	A8	JP	2985940			10/01/1999		X
	A9	JP	2998688			11/05/1999		X

NON-PATENT LITERATURE DOCUMENTS

Examiner Signature		Date Considered	
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Unique citation designation number. ²See attached Kinds of U.S. Patent Documents. ³Enter Office that issued the document, by the two-letter code (WIPO

⁴For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document.
⁵Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶Applicant is to place a check mark here if English language Translation is attached.

English language Translation is attached.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, PO Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, PO Box 1450, Alexandria, Virginia 22313-1450.